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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/602,343

Applicant(s)

KASHIWA, KOTARO

Examiner

HEATHER R. JONES

Art Unit

2481

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 15-45, 58-72, 74, 75, 77 and 78 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 15-45, 58-72, 74, 75, 77 and 78 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 June 2003 and 25 June 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed December 30, 2010 have been fully considered but they are not persuasive.

The Applicant argues that neither Seki et al., Foreman et al., Kimura et al., nor Windle disclose "displaying for selection in the video display of an image data recorder a piece of the video image data corresponding to each of the plurality of takes of the particular scene, the piece of the video image data for each of the plurality of takes of the particular scene being displayed simultaneously in the video display of the image data recorder". The Examiner respectfully disagrees. Kimura et al. discloses in col. 10, lines 4-9 and col. 11, lines 26-36 that each cut has the scene number and take number attached to it along with an index picture that is generated for each cut (col. 1, line 63 - col. 2, line 2; col. 10, lines 40-47; col. 11, lines 36-38). Then after the index images are created the frame index video data generating means generates the index video data by successively arranging the index video data on one screen (col. 2, lines 42-51). Kimura et al. further discloses that during editing the index images are all displayed at once (simultaneously) for confirmation, and the cuts selected then can be read at a high speed based on the positional information (col. 13, lines 34-40). Furthermore, the index data and the video data are being displayed on the display unit (84) of the video camera (Fig. 1; col. 7, lines 6-11). Therefore, Kimura et al. meets the claimed limitation "displaying for selection in the video

display of an image data recorder a piece of the video image data corresponding to each of the plurality of takes of the particular scene, the piece of the video image data for each of the plurality of takes of the particular scene being displayed simultaneously in the video display of the image data recorder" and the rejection is maintained.

2. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Claim Rejections - 35 USC § 101

3. Regarding claims 1 and 34, these are considered statutory because the method claims are being tied to a video display of the image data recorder. This is considered to be a critical step of the limitation because displaying in the video display of the image data recorder the information as claimed is one of the major inventive concepts in this application because this information is normally displayed on a computer screen rather than on the video display of the image data recorder. The medium claims 15 and 58 are considered to be statutory because they are only directed towards non-transitory computer-readable mediums. The apparatus/system claims 22 and 70 are considered to be statutory because they invoke 35 U.S.C. 112 sixth paragraph as further explained below.

Claim Rejections - 35 USC § 112

4. Claims 22-24, 27, and 70-72 invoke 35 U.S.C. 112 sixth paragraph by meeting the limitations set forth in the three prong test specified in MPEP 2181.

Regarding claims 22 and 70, the imaging means for capturing an image is considered to read on the imaging unit (13) in Fig. 16; processing means for processing the video image signal is considered to read on the image signal processor (14) in Fig. 16; obtaining means for obtaining content project data in the form of a template selected from a plurality of templates is considered to read on the CPU (41) in Fig. 2; recording means for recording video image data for each of a plurality of takes of a particular scene is considered to read on the imaging unit (12); the encoder/decoder (17) along with the read/write controller (19) in Fig. 16; displaying means for displaying the plurality of takes in the video display of the imaging means a piece of the video image data corresponding to each of the particular scene is considered to read on the LCD (29) in Fig. 16; selecting means for selecting one of the displayed plurality of takes for the particular scene is considered to read on the input unit (45) in Fig. 2; editing means for subsequently editing the scene setting data is considered to read on step F107 which is part of a process performed by CPU (41) in Fig. 2 (page 27, lines 14-16); display control means for displaying details of the content project data on a display device is considered to read on LCD driver (28) in Fig. 16; imaging control means for controlling selection of a scene of the content project data, the capturing of the image by the imaging means, and the processing of the video image signal by the processing means

is considered to read on the CPU (41) in Fig. 2, the system controller (11) in Fig. 16, and the camera controller (15) in Fig. 16; storage means for storing a template is considered to read on HDD (48); selecting means for selecting the template is considered to read on the input unit (45) in Fig. 2; displaying means for displaying in the video display of the recording means is considered to read on LCD (29) in Fig. 16.

Regarding claims 23 and 71, the management information updating means for updating management information for the content project data is considered to read on system controller (11) in Fig. 16.

Regarding claims 24, 27, and 72, the communication means for communicating with an outside is considered to read on the external interface (20) and communication unit (21) in Fig. 16 or network interface (50) and the external interface (54) in Fig. 2.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-7, 15-45, and 58-72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seki et al. (U.S. Patent 7,154,534) in view of Foreman et al. (U.S.

Patent Application Publication 2001/0040592) in view of Kimura et al. (U.S. Patent 5,889,916) in view of Windle (U.S. Patent 6,606,117).

Regarding claim 1, Seki et al. discloses a content project creating method comprising the steps of: selecting a template from a plurality of templates, each template containing a setting of a scene arrangement of a plurality of scenes of content (Figs. 37 and 89; col. 29, lines 40-51- the user is shown a list of items and once the user selects an item the shooting instructions are shown for that item; col. 31, lines 17-32 – the shooting instructions are the template); producing scene setting data for a scene included in the template selected in the selecting step by setting details of the scene using existing material data or newly created data (col. 30, lines 29-40); and outputting content project data constructed by managing the edited scene setting data on the basis of the scene arrangement set in the template (col. 30, line 65 – col. 31, line 5). However, Seki et al. fails to disclose providing for recording video image data for each of a plurality of takes of a particular scene; displaying for selection in the video display of an image data recorder a piece of the video image data corresponding to each of the plurality of takes of the particular scene, the piece of the video image data for each of the plurality of takes of the particular scene being displayed simultaneously in the video display of the image data recorder; selecting one of the displayed plurality of takes for the particular scene; displaying in the video display of the image data recorder the selected take for each of the plurality of scenes, the selected takes being displayed in the scene arrangement of the

selected template; and subsequently editing the scene setting data; wherein the template is a scene arrangement sequence for the plurality of scenes set in advance for a story structure of the video content and prior to editing.

Referring to the Foreman et al. reference, Foreman et al. discloses a content project creating method comprising providing templates; enabling the editing of the selected template to alter the number of scenes in the template (Fig. 5; paragraphs [0044]-[0046] – adding and deleting scenes from the storyboard (template)); displaying the selected take for each of the plurality of scenes, the selected takes being displayed in the scene arrangement of the selected template (Fig. 5 – still images “78”;–paragraph [0040] – if the scene has been shot then the still image representing the scene will be displayed on the storyboard); and subsequently editing the scene setting data; wherein the template is a scene arrangement sequence for the plurality of scenes set in advance for a story structure of the video content and prior to editing (Fig. 5; paragraph [0040]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided templates depicting scene arrangement sequences for the plurality of scenes set in advance for a story structure of the video content as disclosed by Foreman et al. with the templates disclosed by Seki et al. in order create personalized video presentations that tell a story and to allow the user filming the story to have a clear idea of what to shoot, how to shoot, and for how long. However, Seki et al. in view of Foreman

et al. still fail to explicitly disclose providing for recording video image data for each of a plurality of takes of a particular scene; displaying for selection in the video display of an image data recorder a piece of the video image data corresponding to each of the plurality of takes of the particular scene, the piece of the video image data for each of the plurality of takes of the particular scene being displayed simultaneously in the video display of the image data recorder; selecting one of the displayed plurality of takes for the particular scene; and displaying in the video display of the image data recorder the selected take for each of the plurality of scenes.

Referring to the Kimura et al. reference, Kimura et al. discloses a content recording project creating method comprising providing for recording video image data for each of a plurality of takes of a particular scene; displaying for selection in the video display (84) of an image data recorder a piece of the video image data corresponding to each of the plurality of takes of the particular scene (col. 1, line 63-col. 2, line 2; col. 10, lines 4-9, 40-47, and 60-65; col. 11, lines 26-38; col. 11, line 59-col. 12, line 21), the piece of the video image data for each of the plurality of takes of the particular scene being displayed simultaneously in the video display of the image data recorder (col. 2, lines 42-51; col. 13, lines 34-40); and selecting one of the displayed plurality of takes for the particular scene (col. 13, lines 34-40 – cuts are confirmed during the editing process).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided several takes for a particular

scene and allowing the user to select the most appropriate one as disclosed by Kimura et al. in the method disclosed by Seki in view of Foreman et al. in order to allow the user to obtain the feel, look, emotion, timing, attitude, or other characteristic they are going for in that particular scene. However, Seki et al. in view of Foreman et al. in view of Kimura et al. still fail to disclose displaying in the video display of the image data recorder the selected take for each of the plurality of scenes.

Referring to the Windle reference, Windle discloses a content recording project creating method comprising displaying in the video display of the image data recorder the storyboard for each of the plurality of scenes (Fig. 9 – storyboard; col. 8, line 65 - col. 9, line 38 - an example storyboard is given regarding scenes that should be captured during a wedding; col. 12, lines 9-20 - a checklist of pictures that should be taken at a birthday party and as they are taken they are checked off; col. 12, line 53 - col. 13, line 13 - describes the contents of Fig. 9).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the user with a storyboard on the video display of the image data recorder as disclosed by Windle in the method disclosed by Seki et al. in view of Foreman et al. in view of Kimura et al. in order to provide the user with a quick reference guide as well as helpful hints on how to capture special moments (for example: weddings and birthdays), thereby enhancing the quality of images captured.

Regarding claim 2, Seki et al. in view of Foreman et al. in view of Kimura et al. in view of Windle discloses all the limitations as previously discussed with respect to claim 1, as well as the method further comprising the step of setting details of audio in accordance with the scene arrangement set in the template or in association with each of the scenes (Foreman et al.: Figs. 5 and 12; paragraphs [0040] and [0066]).

Regarding claim 3, Seki et al. in view of Foreman et al. in view of Kimura et al. in view of Windle discloses all the limitations as previously discussed with respect to claim 1 as well as the method further comprising the step of setting details of image processing in accordance with the scene arrangement set in the template or in association with each of the scenes (Seki et al.: Figs. 37 and 89; col. 29, lines 40-51; col. 31, lines 17-32).

Regarding claim 4, Seki et al. in view of Foreman et al. in view of Kimura et al. in view of Windle discloses all the limitations as previously discussed with respect to claim 1, including the step of changing the scene arrangement set in the template (Foreman et al.: Figs. 5 and 9; paragraphs [0040] , [0057], and [0058]).

Regarding claim 5, Seki et al. in view of Foreman et al. in view of Kimura et al. in view of Windle discloses all the limitations as previously discussed with respect to claim 1 including that in the content project data outputting step, the content project data is read (Seki et al.: col. 30, line 65 – col. 31, line 5).

Regarding claim **6**, Seki et al. in view of Foreman et al. in view of Kimura et al. in view of Windle discloses all the limitations as previously discussed with respect to claim 1, including that in the content project data is recorded on a recording medium (Foreman et al.: Fig. 2; paragraph [0036]).

Regarding claim **7**, Seki et al. in view of Foreman et al. in view of Kimura et al. in view of Windle discloses all the limitations as previously discussed with respect to claim 1 including that the content project data outputting step, the content project data is transmitted (Seki et al: col. 30, lines 65-67).

Regarding claims **15-21**, these are non-transitory computer-readable medium claims corresponding to the method claims 1-7. Therefore claims 15-21 are analyzed and rejected as previously discussed with respect to claims 1-7. Furthermore, the computer disclosed by Seki et al. has a CPU that would store the program.

Regarding claim **22**, Seki et al. discloses an imaging apparatus comprising: imaging means (102) for capturing an image and generating a video image signal; processing means (115) for processing the video image signal; obtaining means (109) for obtaining content project data in form of a template selected from a plurality of templates, each template including scene setting data for each scene included in a scene arrangement of a plurality of scenes of content; display control means for displaying details of the content project data on a display device (104); and imaging control means (112) for controlling selection of a scene of the content project data, the capturing of the image by the

imaging means, and the processing of the video image signal by the processing means (col. 11, line 45 – col. 13, line 61). However, Seki et al. fails to disclose recording means for recording video image data for each of a plurality of takes of a particular scene; displaying means for displaying the plurality of takes in the video display of the imaging means a piece of the video image data corresponding to each of the particular scene, the piece of the video image data for each of the plurality of takes of the particular scene being displayed simultaneously in the video display of the image data recorder; selecting means for selecting one of the displayed plurality of takes for the particular scene; wherein the displaying means displays in the video display of the image data recorder the selected take for each of the plurality of scenes, the selected takes being displayed in the scene arrangement of the selected template; and subsequently editing the scene setting data; wherein the template is a scene arrangement sequence for the plurality of scenes set in advance for a story structure of the video content and prior to editing.

Referring to the Foreman et al. reference, Foreman et al. discloses a content project creating method comprising providing templates; template editing means for editing of the selected template to alter the number of scenes in the template (Fig. 5; paragraphs [0044]-[0046] – adding and deleting scenes from the storyboard (template)); wherein the displaying means displays the selected take for each of the plurality of scenes, the selected takes being displayed in the scene arrangement of the selected template (Fig. 5 – still images “78”;–

paragraph [0040] – if the scene has been shot then the still image representing the scene will be displayed on the storyboard); and subsequently editing the scene setting data; wherein the template is a scene arrangement sequence for the plurality of scenes set in advance for a story structure of the video content and prior to editing (Fig. 5; paragraph [0040]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided templates depicting scene arrangement sequences for the plurality of scenes set in advance for a story structure of the video content as disclosed by Foreman et al. with the templates disclosed by Seki et al. in order create personalized video presentations that tell a story and to allow the user filming the story to have a clear idea of what to shoot, how to shoot, and for how long. However, Seki et al. in view of Foreman et al. still fail to disclose recording means for recording video image data for each of a plurality of takes of a particular scene; displaying means for displaying the plurality of takes of the particular scene, the piece of the video image data for each of the plurality of takes of the particular scene being displayed simultaneously in the video display of the image data recorder; and selecting means for selecting one of the displayed plurality of takes in the video display of the imaging means a piece of the video image data corresponding to each of the particular scene; and displaying in the video display of the image data recorder the selected take for each of the plurality of scenes.

Referring to the Kimura et al. reference, Kimura et al. discloses a content recording project creating method comprising providing for recording video image data for each of a plurality of takes of a particular scene; displaying for selection in the video display (84) of an image data recorder a piece of the video image data corresponding to each of the plurality of takes of the particular scene (col. 1, line 63-col. 2, line 2; col. 10, lines 4-9, 40-47, and 60-65; col. 11, lines 26-38; col. 11, line 59-col. 12, line 21), the piece of the video image data for each of the plurality of takes of the particular scene being displayed simultaneously in the video display of the image data recorder (col. 2, lines 42-51; col. 13, lines 34-40); and selecting one of the displayed plurality of takes for the particular scene (col. 13, lines 34-40 – cuts are confirmed during the editing process).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided several takes for a particular scene and allowing the user to select the most appropriate one as disclosed by Kimura et al. in the method disclosed by Seki in view of Foreman et al. in order to allow the user to obtain the feel, look, emotion, timing, attitude, or other characteristic they are going for in that particular scene. However, Seki et al. in view of Foreman et al. in view of Kimura et al. still fail to disclose displaying in the video display of the image data recorder the selected take for each of the plurality of scenes.

Referring to the Windle reference, Windle discloses an imaging apparatus comprising displaying in the video display of the image data recorder the

storyboard for each of the plurality of scenes (Fig. 9 – storyboard; col. 8, line 65 - col. 9, line 38 - an example storyboard is given regarding scenes that should be captured during a wedding; col. 12, lines 9-20 - a checklist of pictures that should be taken at a birthday party and as they are taken they are checked off; col. 12, line 53 - col. 13, line 13 - describes the contents of Fig. 9).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the user with a storyboard on the video display of the image data recorder as disclosed by Windle in the apparatus disclosed by Seki et al. in view of Foreman et al. in view of Kimura et al. in order to provide the user with a quick reference guide as well as helpful hints on how to capture special moments (for example: weddings and birthdays), thereby enhancing the quality of images captured.

Regarding claim **23**, Seki et al. in view of Foreman et al. in view of Kimura et al. in view of Windle discloses all the limitations as previously discussed with respect to claim 22 including that the processing means records the video image signal on a recording medium, and the imaging apparatus further comprises: management information updating means for updating management information for the content project data so that the video image signal captured by the imaging means and recorded on the recording medium by the processing means while the scene of the content project data is selected is allocated to the scene arrangement of the content project data (Seki et al.: Fig. 35).

Regarding claim **24**, Seki et al. in view of Foreman et al. in view of Kimura et al. in view of Windle discloses all the limitations as previously discussed with respect to claim 22 as well as the apparatus further comprising communication means for communicating with an outside, wherein the processing means transmits the video image signal from the communication means, and wherein the imaging control means transmits, upon transmission, from the communication means, of the video image signal captured by the imaging means while the scene of the content project data is selected, information on the selected scene (Seki et al.: col. 12, lines 53-55).

Regarding claim **25**, Seki et al. in view of Foreman et al. in view of Kimura et al. in view of Windle discloses all the limitations as previously discussed with respect to claims 22 and 23, including that the obtaining means obtains the content project data recorded on the recording medium placed on the processing means (Foreman et al.: Fig. 2; paragraph [0036]).

Regarding claim **26**, Seki et al. in view of Foreman et al. in view of Kimura et al. in view of Windle discloses all the limitations as previously discussed with respect to claim 22 including that the obtaining means obtains the content project data recorded on a recording medium differing from the recording medium placed on the processing means (Seki et al.: col. 12, lines 51-60).

Regarding claim **27**, Seki et al. in view of Foreman et al. in view of Kimura et al. in view of Windle discloses all the limitations as previously discussed with respect to claim 22 as well as the apparatus further comprising communication

means for communicating with an outside, wherein the obtaining means obtains the content project data received by the communication means (Seki et al.: col. 12, lines 53-55).

Regarding claim **28**, Seki et al. in view of Foreman et al. in view of Kimura et al. in view of Windle discloses all the limitations as previously discussed with respect to claim 22 including that the display control means displays the scene setting data associated with the selected scene on the display device, the displayed scene setting data serving as the details of the content project data (Seki et al.: Figs. 37 and 89; col. 29, lines 40-51; col. 31, lines 17-32).

Regarding claim **29**, Seki et al. in view of Foreman et al. in view of Kimura et al. in view of Windle discloses all the limitations as previously discussed with respect to claim 22 including that upon capturing the image by the imaging means while the scene of the content project data is selected, the display control means displays, on the display device, the scene setting data associated with the selected scene and the video image signal generated by the imaging means (Seki et al.: Fig. 29).

Regarding claim **30**, Seki et al. in view of Foreman et al. in view of Kimura et al. in view of Windle discloses all the limitations as previously discussed with respect to claims 22 and 23 including that the display control means displays, on the display device, a video image that includes the video image signal allocated by the management information updating means to the scene arrangement of the

content project data and that is based on the content project data (Seki et al.: Fig. 29).

Regarding claim **31**, Seki et al. in view of Foreman et al. in view of Kimura et al. in view of Windle discloses all the limitations as previously discussed with respect to claims 22 and 23 including that the imaging control means sets the execution time for the imaging means to capture the image and for the processing means to record the video image signal on the recording medium while the scene of the content project data is selected on the basis of scene time information included in the content project data (Seki et al.: Figs. 37 and 89; col. 29, lines 40-51; col. 31, lines 17-32).

Regarding claim **32**, Seki et al. in view of Foreman et al. in view of Kimura et al. in view of Windle discloses all the limitations as previously discussed with respect to claims 22 and 24 including that the imaging control means sets the execution time for the imaging means to capture the image and for the processing means to record the video image signal on the recording medium while the scene of the content project data is selected on the basis of scene time information included in the content project data (Seki et al.: Figs. 37 and 89; col. 29, lines 40-51; col. 31, lines 17-32).

Regarding claim **33**, Seki et al. in view of Foreman et al. in view of Kimura et al. in view of Windle discloses all the limitations as previously discussed with respect to claims 22 and 23 as well as the apparatus further comprising editing means for editing the video image signal captured by the imaging means and

recorded on the recording medium by the processing means while the scene of the content project data is selected (Seki et al.: col. 30, lines 49-57).

Regarding claims **34-45**, these are method claims corresponding to the apparatus claims 22-33. Therefore, claims 34-45 are analyzed and rejected as previously discussed with respect to claims 22-33.

Regarding claims **58-69**, these are non-transitory computer-readable medium claims corresponding to the apparatus claims 22-33. Therefore claims 58-69 are analyzed and rejected as previously discussed with respect to claims 22-33. Furthermore, the computer disclosed by Seki et al. has a CPU that would store the program.

Regarding claims **70-72**, these are system claims comprising claims 1 and 22-24. Therefore, claims 70-72 are analyzed and rejected as previously discussed with respect to claims 1 and 22-24.

7. Claims 74, 75, 77, and 78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seki et al. in view of Foreman et al. in view of Kimura et al. in view of Windle as applied to claims 1 and 22 above, and further in view of Miyazaki et al. (U.S. Patent 6,546,187).

Regarding claim **74**, Seki et al. in view of Foreman et al. in view of Kimura et al. in view of Windle discloses all the limitations as previously discussed with respect to claim 1, but fails to disclose that the time period is slightly longer than the time period based on the timeline.

Referring to the Miyazaki et al. reference, Miyazaki et al. discloses automatically terminating recording video image data for a particular one of the plurality of video takes after a time period based on the timeline set in the template for the scene (Fig. 17), wherein the time period is slightly longer than the time period based on the timeline (Miyazaki et al.: Fig. 17 – any preset time can be allotted, going slightly over the time period is purely a design choice that would ensure getting the full amount of video for the allotted time).

Therefore, it would have been obvious to one of ordinary skill in the art the time the invention was made to have preset a time limit on the recording of the video images as disclose by Miyazaki et al. in the method disclosed by Seki et al. in view of Foreman in view of Kimura et al. in view of Windle in order to correspond the recording of the scenes to the time allotted on the storyboard for that particular scene, thereby alleviating the extra editing required to scale back an excess amount of time of the recording.

Regarding claim 75, Seki et al. in view of Foreman et al. in view of Kimura et al. in view of Windle in view of Miyazaki et al. discloses all the limitations as previously discussed with respect to claims 1 and 74, including that the time period is approximately 10 seconds longer than the time period based on the timeline (Miyazaki et al.: Fig. 17 – any preset time can be allotted, going slightly over the time period is purely a design choice that would ensure getting the full amount of video for the allotted time).

Regarding claim **77**, Seki et al. in view of Foreman et al. in view of Kimura et al. in view of Windle discloses all the limitations as previously discussed with respect to claim 22, but fails to disclose that the time period is slightly longer than the time period based on the timeline.

Referring to the Miyazaki et al. reference, Miyazaki et al. discloses automatically terminating recording video image data for a particular one of the plurality of video takes after a time period based on the timeline set in the template for the scene (Fig. 17), wherein the time period is slightly longer than the time period based on the timeline (Miyazaki et al.: Fig. 17 – any preset time can be allotted, going slightly over the time period is purely a design choice that would ensure getting the full amount of video for the allotted time).

Therefore, it would have been obvious to one of ordinary skill in the art the time the invention was made to have preset a time limit on the recording of the video images as disclose by Miyazaki et al. in the method disclosed by Seki et al. in view of Foreman in view of Kimura et al. in order to correspond the recording of the scenes to the time allotted on the storyboard for that particular scene, thereby alleviating the extra editing required to scale back an excess amount of time of the recording.

Regarding claim **78**, Seki et al. in view of Foreman et al. in view of Kimura et al. in view of Windle in view of Miyazaki et al. discloses all the limitations as previously discussed with respect to claims 22 and 77, including that the time period is approximately 10 seconds longer than the time period based on the

timeline (Miyazaki et al.: Fig. 17 – any preset time can be allotted, going slightly over the time period is purely a design choice that would ensure getting the full amount of video for the allotted time).

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HEATHER R. JONES whose telephone number is (571)272-7368. The examiner can normally be reached on Mon. - Thurs.: 7:00 am - 4:30 pm, and every other Fri.: 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter-Anthony Pappas can be reached on 571-272-7646. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Heather R Jones
Examiner
Art Unit 2481

HRJ
March 12, 2011

/Peter-Anthony Pappas/
Supervisory Patent Examiner, Art Unit 2481